

The Honorable Ricardo Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING and JOHN DOE,

No. CV4-2338-RSM

Plaintiffs,

v.

PROPOSED

**ORDER GRANTING
DEFENDANTS' MOTION FOR
DISMISSAL OF PUNITIVE
DAMAGES CLAIMS UNDER
CR 12(b)(6)**

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a
"MORMON CHURCH"; LDS SOCIAL
SERVICES a/k/a LDS FAMILY SERVICES,
a Utah corporation,

Defendants.

THIS MATTER, having come on regularly before the above-captioned Court upon motion of defendants Corporation of the President of The Church of Jesus Christ of Latter-day Saints ("COP") and LDS Family Services for an order dismissing plaintiffs' punitive damages claims under CR 12(b)(6), duly and properly filed with this Court, and the Court having reviewed the following:

1. Defendants COP and LDSFS' Motion for Dismissal of Punitive Damage Claims Under CR 12(b)(6), and the supporting Declaration of Marcus B. Nash;

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CR 12(B)(6) – 1 NO. CV4 2338 RSM
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2. Plaintiffs' brief in opposition to Defendants' Motion to Dismiss Punitive Damage Claims Under CR 12(b)(6), and any declarations/affidavits in support thereof;

3. Defendants COP and LDSFS' reply memorandum and declarations in support of their motion;

4. _____

5. _____

and the Court having considered the records and files herein and the argument of counsel, and deeming itself fully advised on the premises, now, therefore, it is hereby

ORDERED, ADJUDGED AND DECREED that defendants COP and LDSFS' Motion to Dismiss Plaintiffs' Punitive Damage Claims Under CR 12(b)(6) is hereby **GRANTED.**

DONE IN OPEN COURT this _____ day of _____, 2005.

THE HONORABLE RICARDO MARTINEZ

Presented by:

STAFFORD FREY COOPER
Attorneys for Defendants

By /s/ Thomas D. Frey
Thomas D. Frey, WSBA #1908
Marcus B. Nash, WSBA #14471
Attorneys for Defendants

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CERTIFICATE OF SERVICE

I certify that on the date noted below I electronically filed ***Proposed Order Granting Defendant LDS and LDSFC's Motion to Dismiss Punitive Damage Claims Under CR 12(b)(6)*** using the CM/ECF system which will send notification of such filing to the persons listed below. The persons listed below also received a true and correct copy of the above-referenced document via hand delivery by legal messenger.

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DATED this 16th day of December, 2004, at Seattle, Washington.

/s/ Mary Ann Jarrett
Mary Ann Jarrett